

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 20 May 2020, commencing at 5.31pm and concluding at 6.22pm.

PRESENT Cr D Kennedy, Cr S Paine, Cr P Cavalier, Cr R Holden, Cr A Karavas, Cr E Martens, Cr J O'Neill, Cr P Shelley, Cr JP Thompson (via teleconference).

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director Development (Julie Robertson), Director Operations (Garry Hemsworth), Executive Manager Human Resources (Michele George), Chief Financial Officer (Leonie Johnson) and Executive Assistant (Mette Sutton).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor E Martens declared a significant non-pecuniary conflict of interest in item 8.8 as she is an objector to DA202/2020, tourist and visitor accommodation.

Councillor J O'Neill declared a significant non-pecuniary conflict of interest in item 8.2 as he has a commercial business relationship with the owner.

Councillor D Kennedy declared a pecuniary conflict of interest in item 8.2 as he is a part owner of the hotel, subject of the development application.

Item 3: Confirmation of Minutes

143/20 MOTION: Shelley/ Cavalier

That the Minutes of the Ordinary Meeting held on 15 April 2020 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

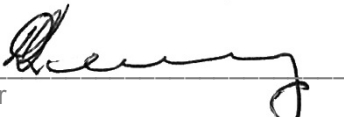
Nil

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 INVESTIGATION OF FLOOD MITIGATION MONEY FOR GLEN


Mayor


General Manager

WILLOW

GOV400087,

Item withdrawn by Cr Thompson.

The following recommendations (item 7.1 to item 7.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously, but for item 7.2 in which Cr Martens voted against the motion. Each recommendation is recorded with a separate resolution number commencing at resolution No. 144/20 and concluding at resolution No. 147/20.

Item 7: Office of the General Manager

7.1 MRT QUARTERLY REPORT: JANUARY TO MARCH 2020
GOV400087, F0770077

144/20 MOTION: Shelley/ Cavalier

That Council receive the report by the General Manager on the MRT Quarterly Report: January to March 2020.

The motion was carried with the Councillors voting unanimously.

7.2 LOCAL GOVERNMENT NSW MEMBERSHIP RENEWAL
2020/21
GOV400087, A0040005

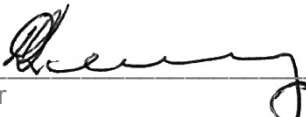
145/20 MOTION: Shelley/ Cavalier


That Council:

- 1. receive the report by the General Manager on the Local Government NSW Membership Renewal 2020/21; and**
- 2. not renew its membership with Local Government NSW for the 2020/21 financial year.**

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	


Mayor


General Manager

7.3 ORANA JOINT ORGANISATION

GOV400087, GOR500034

146/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the General Manager on the Orana Joint Organisation;
2. continue its membership of the Orana Joint Organisation.

The motion was carried with the Councillors voting unanimously.

7.4 CODE OF MEETING PRACTICE - POST PUBLIC EXHIBITION REPORT

GOV400087, GOV40087, GOV400009,

147/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Manager Governance on the Code of Meeting Practice - Post Public Exhibition Report; and
2. endorse the revised Code of Meeting Practice.

The motion was carried with the Councillors voting unanimously.

Item 8: Development

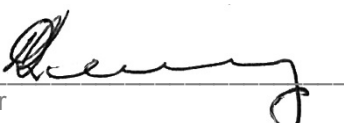

8.1 DA0170/2020 - DEMOLITION OF DWELLING HOUSE, 26 ROBERTSON STREET, MUDGEE

GOV400087, DA0170/2020

148/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Manager, Health and Building on DA0170/2020 - Demolition of Dwelling House, 26 Robertson Street, Mudgee; and
2. approve the application for the demolition of the existing dwelling house subject to the following conditions of consent and statement of reasons


Mayor
General Manager

APPROVED PLANS

- 1. The development is to be carried out in accordance with the following plans endorsed with Council’s Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Date	Prepared by:
Site plan	Sheet 1 of 1	Received with application 20 January 2020	The Owners

{Reason: To ensure the work is carried out in accordance with the approved plans}

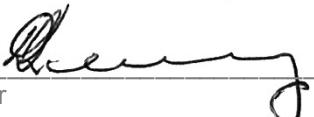
PRIOR TO THE COMMENCEMENT OF WORKS

- 2. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.


NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

- 3. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.

- 4. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.



 Mayor

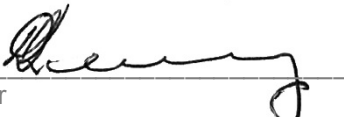


 General Manager


5. If the work involved in the erection/demolition of the building:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

6. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
- a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
7. Prior to the commencement of works on site, the applicant shall advise Council's Development Engineers at the Operations Department in writing, of any existing damage to Council property.
8. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the commencement of demolition works.



Mayor



General Manager

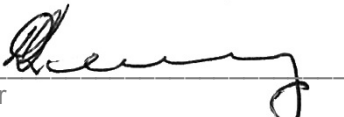
9. All existing utility services are to be disconnected and made safe prior any demolition works commencing on site. The disconnecting of the utility services is to be undertaken by suitably licensed persons.

GENERAL


10. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
11. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
12. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether a restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision Section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this



Mayor



General Manager

notice.

- 5. To ascertain the extent to which the consent is liable to lapse refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillor Kennedy declared a pecuniary conflict of interest in item 8.2 as he is a part owner of the hotel, subject of the development application.

Councillor J O'Neill declared a significant non-pecuniary conflict of interest in item 8.2 as he has a commercial business relationship with the owner.

Councillors Kennedy and O'Neill left the Chambers at 5:41pm and did not participate in discussion or vote in relation to this matter.

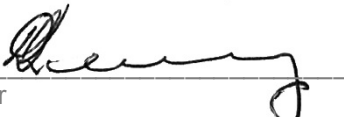
Deputy Mayor, Cr Sam Paine, proceeded to chair the meeting.

8.2 DA0149/2020 - ALTERATIONS AND ADDITIONS TO
WOOLPACK HOTEL - 67 MARKET STREET, MUDGEE
GOV400087, DA0149/2020

149/20 MOTION: Shelley/ Cavalier

That Council:

1. receive the report by the Senior Town Planner regarding DA0149/2020 - Alterations and Additions to Woolpack Hotel - 67 Market Street, Mudgee; and
2. approve DA0149/2020 - Alterations and Additions to Woolpack Hotel - 67 Market Street, Mudgee subject to the following conditions and statement of reasons:


Mayor


General Manager

CONDITIONS

PART 1 – DEFERRED COMMENCEMENT CONDITIONS

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) A Building Information Certificate for all unauthorised building work carried out on the Woolpack Hotel that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979, is to be obtained.

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twelve (12) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.


The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

Note – matters that may need to be addressed prior to the issue of a Building Certificate include plumbing inspections for wet areas, engineering certification for structural adequacy, vapour barriers for concrete slabs, and provision of smoke alarms and fire extinguishers. Please contact Council’s Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

The reason for requiring a Building Information Certificate is that the works approved under this development consent were carried out without a prior Construction Certificate, in a case where a prior Construction Certificate was required to be obtained.



Mayor



General Manager

PART 2 – CONDITIONS OF CONSENT

PARAMETERS OF CONSENT

- 1. Development is to be carried out in accordance with the following plans endorsed with Council’s Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No	Revision / Issue:	Date:	Prepared by:
Demolition Floor Plan	31264-A03	B	09/01/2020	Barnson
Proposed Floor Plan	31264-A04	B	09/01/2020	Barnson
Elevations	31264-A05	B	09/01/2020	Barnson
Sections	31264-A06	B	09/01/2020	Barnson
Louvered Roof Layout	31264-A07	B	09/01/2020	Barnson

- 2. For clarity, this development consent provides approval for:
 - a) Alterations and additions to the pub, as shown on the approved plans; and
 - b) An illuminated wall sign mounted to the rear wall of the pub, as shown on the approved plans.
- 3. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

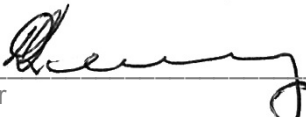
GENERAL

- 4. All stormwater runoff from roof and developed surfaces, is to be controlled in such a manner so as not to flow or discharge over adjacent properties.
- 5. All building work is to comply with the Access to Premises Standard.


PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 6. Under Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building including the restaurant and first floor accommodation portions, is to be brought into conformity with the Performance Requirements (PR’s) of Sections C, D1, D2 and E of the Building Code of Australia – Volume 1.

A report from a suitably accredited certifier is to address the



 Mayor



 General Manager

matters which are subject to the upgrading and that identifies any deficiencies within the sections identified above, with particular attention to fire safety systems that involve a combination of passive and active fire safety measures that:

- a) Warn people of an emergency;
- b) Provide for safe evacuation;
- c) Restrict the spread of fire; and
- d) Suppress fire.

The report and details of compliance with the performance requirements of the Building Code of Australia are to be indicated on amended/additional plans and submitted to the satisfaction of Council and included as part of the Construction Certificate.

The requirements of this condition are to be satisfied within 6 months of the deferred commencement condition being satisfied and this consent becoming operative.

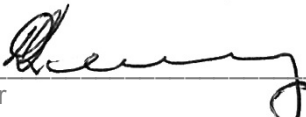
- 7. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING


- 8. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) The appointment of a Principal Certifying Authority; and
 - b) The date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- 9. The site shall be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. **NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON SITE.**
- 10. A sign must be erected on a prominent position on any work site which involves the erection or demolition of a building:
 - a) Stating that unauthorised entry to the work site is prohibited;
 - b) Showing the name of the person in charge of the work site and a telephone number at which that person may be



Mayor



General Manager

- contacted outside work hours;
- c) The name, address and telephone number of the Principal Certifying Authority for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

11. If the work involved in the erection/demolition of the building:

- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b) Building involves the enclosure of a public place; then

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when work has been completed.

12. Prior to the commencement of any works, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Council.

13. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

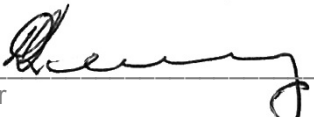
BUILDING CONSTRUCTION

14. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning and Assessment Act 1979 and Regulations and all relevant Australian Standards.


15. All plumbing and drainage work must be carried out by a licenced plumber and drainer and must comply with the Plumbing Code of Australia.

16. Construction work noise that is audible at other premises is to be restricted to the following times:

- a) Monday to Saturday – 7.00am to 5.00pm



Mayor



General Manager

No construction work noise is permitted on Sundays or Public Holidays.

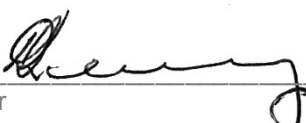
- 17. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
- 18. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.**

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE


- 19. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of a building.**
- 20. Prior to occupation or the issue of the Occupation Certificate, the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate to be given to the Commissioner of Fire and Rescue NSW and a copy is to be prominently displayed in the building.**

ONGOING / OPERATIONAL CONDITIONS

- 21. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.**
- 22. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**
- 23. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in Chapter 3 of the Australia and New Zealand Food Standards Code.**

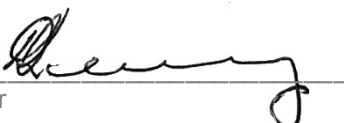


Mayor



General Manager

24. All vehicles are required to enter and leave the site in a forward direction at all times.
25. The pavement surface of the on-site car parking and associated manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
26. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
27. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
28. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
29. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
30. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
31. Any illumination of signage is to comply with the following requirements:
 - a) Illumination (including cabling) of signs is to be:
 - (i) concealed; or
 - (ii) integral with the sign; or
 - (iii) internally illuminated; or
 - (iv) provided by means of carefully designed and located remote or spot baffled lamps.
 - b) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
 - c) Illumination must not be set to flashing mode, at any time.
 - d) Comply with Australian Standard AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting.
32. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.



STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

OTHER APPROVALS

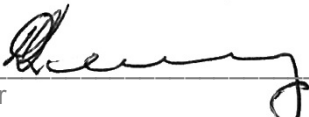
Nil

ADVISORY NOTES


- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy “Tree Removal and Pruning – Public Places”.
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council’s Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

AMENDMENT Karavas / Holden

That Council:



Mayor



General Manager

1. receive the report by the Senior Town Planner regarding DA0149/2020 - Alterations and Additions to Woolpack Hotel - 67 Market Street, Mudgee; and
2. approve DA0149/2020 - Alterations and Additions to Woolpack Hotel - 67 Market Street, Mudgee subject to the following conditions and statement of reasons:

CONDITIONS

PART 1 – DEFERRED COMMENCEMENT CONDITIONS

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) A Building Information Certificate for all unauthorised building work carried out on the Woolpack Hotel that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the *Environmental Planning and Assessment Act 1979*, is to be obtained.

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twelve (12) months of the date of determination.

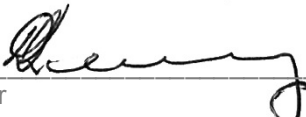
If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979*.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.


The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

Note – matters that may need to be addressed prior to the issue of a Building Certificate include plumbing inspections for wet areas, engineering certification for structural adequacy, vapour barriers for concrete slabs, and provision of smoke alarms and fire extinguishers. Please contact Council’s Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

The reason for requiring a Building Information Certificate is that



Mayor



General Manager

the works approved under this development consent were carried out without a prior Construction Certificate, in a case where a prior Construction Certificate was required to be obtained.

PART 2 – CONDITIONS OF CONSENT

PARAMETERS OF CONSENT

- 1. Development is to be carried out in accordance with the following plans endorsed with Council’s Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No	Revision / Issue:	Date:	Prepared by:
Demolition Floor Plan	31264-A03	B	09/01/2020	Barnson
Proposed Floor Plan	31264-A04	B	09/01/2020	Barnson
Elevations	31264-A05	B	09/01/2020	Barnson
Sections	31264-A06	B	09/01/2020	Barnson
Louvered Roof Layout	31264-A07	B	09/01/2020	Barnson

- 2. For clarity, this development consent provides approval for:
 - a) Alterations and additions to the pub, as shown on the approved plans; and
 - b) ~~An illuminated wall sign mounted to the rear wall of the pub, as shown on the approved plans~~
- 3. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

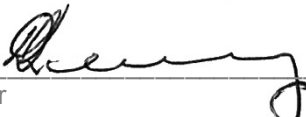
GENERAL

- 4. All stormwater runoff from roof and developed surfaces, is to be controlled in such a manner so as not to flow or discharge over adjacent properties.
- 5. All building work is to comply with the Access to Premises Standard.


PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 6. Under Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building including the restaurant and first floor accommodation portions, is to be brought into conformity with the Performance Requirements (PR’s) of Sections C, D1, D2 and E of the *Building Code of Australia – Volume 1*.

A report from a suitably accredited certifier is to address the matters



 Mayor



 General Manager

which are subject to the upgrading and that identifies any deficiencies within the sections identified above, with particular attention to fire safety systems that involve a combination of passive and active fire safety measures that:

- a) Warn people of an emergency;
- b) Provide for safe evacuation;
- c) Restrict the spread of fire; and
- d) Suppress fire.

The report and details of compliance with the performance requirements of the *Building Code of Australia* are to be indicated on amended/additional plans and submitted to the satisfaction of Council and included as part of the Construction Certificate.

The requirements of this condition are to be satisfied within 6 months of the deferred commencement condition being satisfied and this consent becoming operative.

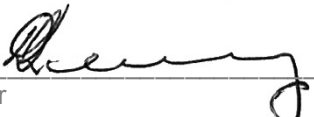
7. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.


PRIOR TO COMMENCEMENT OF WORKS – BUILDING

8. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) The appointment of a Principal Certifying Authority; and
 - b) The date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

9. The site shall be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON SITE.
10. A sign must be erected on a prominent position on any work site which involves the erection or demolition of a building:
 - a) Stating that unauthorised entry to the work site is prohibited;
 - b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours;
 - c) The name, address and telephone number of the Principal Certifying Authority for the work; and


 Mayor

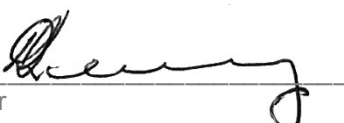

 General Manager


- d) The sign shall be removed when the erection or demolition of the building has been completed.
11. If the work involved in the erection/demolition of the building:
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b) Building involves the enclosure of a public place; then
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when work has been completed.
12. Prior to the commencement of any works, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Council.
13. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUILDING CONSTRUCTION

14. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning and Assessment Act 1979* and Regulations and all relevant Australian Standards.
15. All plumbing and drainage work must be carried out by a licenced plumber and drainer and must comply with the Plumbing Code of Australia.
16. Construction work noise that is audible at other premises is to be restricted to the following times:
- a) Monday to Saturday – 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.


Mayor


General Manager

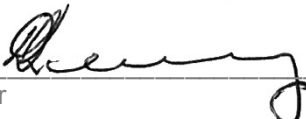
17. All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
18. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE


19. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of a building.
20. Prior to occupation or the issue of the Occupation Certificate, the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate to be given to the Commissioner of Fire and Rescue NSW and a copy is to be prominently displayed in the building.

ONGOING / OPERATIONAL CONDITIONS

21. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
22. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
23. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in Chapter 3 of the Australia and New Zealand Food Standards Code.
24. All vehicles are required to enter and leave the site in a forward direction at all times.
25. The pavement surface of the on-site car parking and associated



Mayor



General Manager

- manoeuvring areas are to be maintained in a workable condition at all times. Any damage to the pavement surface is to be repaired as soon as practicable.
26. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
 27. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
 28. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
 29. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
 30. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
 31. Any illumination of signage is to comply with the following requirements:
 - a) Illumination (including cabling) of signs is to be:
 - (i) concealed; or
 - (ii) integral with the sign; or
 - (iii) internally illuminated; or
 - (iv) provided by means of carefully designed and located remote or spot baffled lamps.
 - b) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
 - c) Illumination must not be set to flashing mode, at any time.
 - d) Comply with Australian Standard AS 4282:1997 – *Control of the Obtrusive Effects of Outdoor Lighting*.
 32. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western*

Regional Development Control Plan 2013.

2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

OTHER APPROVALS

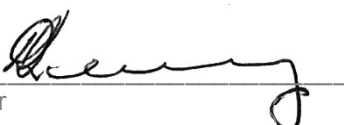
Nil

ADVISORY NOTES


- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

The amendment was put and lost with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Paine		✓
Cr Cavalier		✓
Cr Holden		✓
Cr Karavas	✓	
Cr Martens		✓
Cr Shelley		✓



 Mayor



 General Manager

Cr Thompson	✓
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The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas		✓
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	

Councillors Kennedy and O'Neill returned to the Chambers at 5:47pm

Councillor Kennedy, Mayor, resumed chairing the meeting.

8.3 DRAFT MID-WESTERN REGIONAL LOCAL STRATEGIC PLANNING STATEMENT - POST EXHIBITION

GOV400087, LAN900107

150/20 MOTION: Holden / Shelley

That Council:

1. receive the report by the Manager, Strategic Planning on the Draft Mid-Western Regional Local Strategic Planning Statement - Post Exhibition; and
2. adopt the Mid-Western Regional Local Strategic Planning Statement attached to this report.

The motion was carried with the Councillors voting unanimously.

8.4 EVENTS ASSISTANCE APPLICATIONS

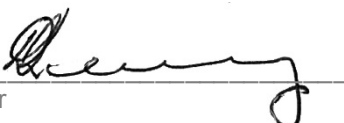
GOV400087, ECO800009; FIN300052

151/20 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Events Officer on the Events Assistance Applications;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 1, July – December 2020; and

Mudgee Junior Rugby League	\$1,174
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Southern Cross Owners Group	\$272
The Mudgee Bridge Club	\$1,230
Sculptures in the Garden	\$2,500

3. provide multi-year Events Assistance funding to the below applicants (includes cash and in-kind amounts) for the period of 2020, 2021 and 2022.

	2020	2021	2022
Rylstone Street Feast	\$2,500	\$2,500	\$2,500
Mudgee Veterans Golfers Association	\$500	\$500	\$500

The motion was carried with the Councillors voting unanimously.

8.5 AUSTRALIAN GOVERNMENT REGIONAL TOURISM
BUSHFIRE RECOVERY GRANT FUNDING

GOV400087, GRA600041

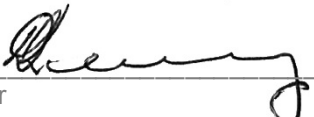
152/20

MOTION: Holden / Cavalier


That Council:

1. receive the report by the Manager Economic Development on the Australian Government Regional Tourism Bushfire Recovery Grant Funding
2. if successful, accept \$30,000 in grant funding from the Federal Government for the Mid-Western Region for the development and execution of the Fermenta Festival in partnership with Mudgee Region Tourism and Cementa;
3. amend the 2020/21 Budget and draft 2020/21 Operational Plan as follows:
 - increase grant funding received for Fermenta by \$30,000, increase other income by \$53,000, and allocate a project expenditure of \$83,000;
4. if successful, authorise the General Manager to finalise and sign the funding agreement with the Federal Government for Fermenta Festival; and
5. if successful, authorise the General Manager to finalise and sign the MOU, between Council, Mudgee Region Tourism and Cementa.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

8.6 AMENDED FOOD INSPECTION PROGRAM 2019/20

GOV400087, A0830004

153/20

MOTION: Martens / Paine**That Council:**

1. receive the report by the Manager, Health and Building on the Amended Food Inspection Program 2019/20;
2. suspend the 2019/20 food inspection program due to COVID-19; and
3. waive associated fees for fixed food premises inspections under the 2019/20 food inspection program up to 30 June 2020.

The motion was carried with the Councillors voting unanimously.

8.7 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE
MARKET STREET AND CHURCH STREET MUDGEE FOR
FLAVOURS OF MUDGEE 2020

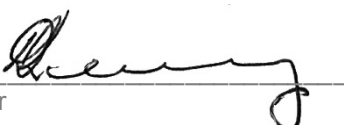
GOV400087, GOV400054, GAV400043, A0130008


154/20

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Manager, Health and Building on the Temporary Suspension of Alcohol Free Zone Market Street and Church Street Mudgee for Flavours of Mudgee 2020;
2. suspend the Alcohol Free Zone for the nominated locations within Market Street and Church Street between the hours of 4:00pm-9:00pm on Saturday 26 September, for the purposes of the Flavours of Mudgee Street Festival 2020; and
3. suspend the Alcohol Free Zone for the nominated locations within Market Street and Church Street between the hours of 5:00pm-10:00pm on the alternative date of Saturday 21 November, for the purposes of the Flavours of Mudgee Street Festival 2020, should the event not proceed on Saturday 26 September due to COVID-19 restrictions.

The motion was carried with the Councillors voting unanimously.



Mayor

General Manager

Councillor Martens declared a significant non-pecuniary conflict of interest in item 8.8 as she is an objector to DA0202/2020, tourist and visitor accommodation. She left the Chambers at 5:50pm and did not participate in discussion or vote in relation to this matter.

8.8 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING AND DETERMINED

GOV400087, DEV700023

155/20 MOTION: Shelley / Paine

That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson	✓	

The following recommendations (item 9.1 to item 9.2) were adopted as a whole, being moved by Cr O'Neill, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at resolution No. 156/20 and concluding at resolution No. 157/20.

Item 9: Finance

9.1 MONTHLY STATEMENT OF INVESTMENT AND BANK BALANCES AS AT 30 APRIL 2020

GOV400087, FIN300053

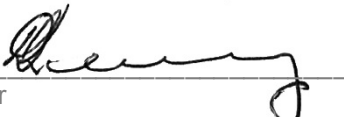
156/20 MOTION: O'Neill / Paine


That Council:

- 1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 April 2020; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.2 REQUEST BY DEVELOPER FOR EASEMENT OVER


Mayor


General Manager

COUNCIL LAND - MUDGEES VALLEY TOURIST PARK 8 BELL STREET MUDGEES

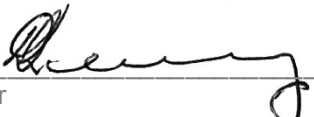
GOV400087, DA0046/2019, 5952

157/20


MOTION: O'Neill / Paine

That Council:

1. receive the report by the Revenue and Property Manager on the Request by Developer for Easement over Council Land - Mudgees Valley Tourist Park 8 Bell Street Mudgees; and
2. agree to the proposal put forward by the Developers of Allotment 211 DP1070725 to approve an easement to discharge stormwater runoff and the associated construction of works on Allotment Lot 22 DP585777, subject to, but not limited to, the outcomes of the further determinations, applications, compensation and legal advice as cited in this Report; and
3. authorise the General Manager to exercise delegated authority to deal with all outcomes and any other matters arising in relation to the establishment of the easement, including the negotiation of compensation and the associated construction of works over Allotment Lot 22 DP585777; and
4. instruct the Developers of Allotment 211 DP1070725 not to undertake any construction works on Allotment Lot 22 DP585777 until the General Manager is satisfied with all outcomes; and
5. authorise the General Manager to sign all documentation, where necessary, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and
6. authorise the Mayor to sign all documentation, where additionally required to do so, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed establishment of an easement over Allotment Lot 22 DP585777; and
8. require the Developers of Allotment 211 DP1070725 be responsible for all costs, including Council's reasonable legal costs and the cost of the relevant valuation report obtained by Council associated with the proposed establishment of an easement over Allotment Lot 22



Mayor



General Manager

DP585777.

The motion was carried with the Councillors voting unanimously.

9.3 SUBMISSIONS TO THE DRAFT 2020/21 OPERATIONAL PLAN AND 2017/21 DELIVERY PROGRAM

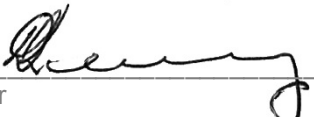
GOV400087, FIN300201

158/20


MOTION: Holden / Cavalier

That Council:

- 1. receive the report by the Manager Financial Planning on the Submissions to the Draft 2020/21 Operational Plan and 2017/21 Delivery Program;**
- 2. receive all public submissions to the Draft 2020/21 Operational Plan and 2017/21 Delivery Program as listed below, with the General Manager required to respond to each submissions as follows:**
 - 2.1 Ms Sandra Smith be thanked for her submission and Council confirms that the demand for road sealing is higher than what Council can fund;**
 - 2.2 Mr Timothy O'Brien be thanked for his submission and Council confirms that the indoor pool project continues to be investigated;**
 - 2.3 Ms Jenny Johnson be thanked for her submission and Council confirms that the indoor pool project continues to be investigated;**
 - 2.4 Ms Sue Jakins be thanked for her submission and Council confirms that that the indoor pool project continues to be investigated; and**
- 3. make the following amendments to the Draft 2020/21 Operational Plan and 2017/21 Delivery Program as exhibited**
 - 3.1 Management Submissions**
 - 3.1.1 \$431,093 additional expenditure for the Emergency Services Levy in the 2020/21 budget funded from unrestricted cash;**
 - 3.1.2 \$313,193 additional income in the 2020/21 budget from NSW Government Emergency Service Levy Rebate;**
 - 3.1.3 \$150,000 additional expenditure for the**

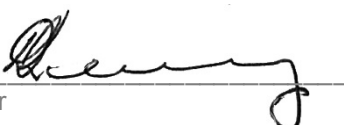


Mayor




General Manager

- Floodplain Risk Management Study Stage 2 in the 2020/21 budget funded from \$100,001 Grant Income and \$49,999 from unrestricted cash;**
- 3.1.4 \$18,500 towards the YourSay - Community Engagement web based program in the 2020/21 budget to be funded from unrestricted cash;**
 - 3.1.5 \$50,000 additional employee expenses in Financial Services for the continuation of the temporary position of Systems Accountant to be funded from unrestricted cash;**
- 3.2 March 2020 Quarterly Budget Review Statement amendments where budgets are transferred from 2019/20 to 2020/21.**
- 4. receive the additional public submissions to the Draft 2020/21 Operational Plan and 2017/21 Delivery Program as listed below, with the General Manager required to respond to each submissions as follows:**
- 4.1 Elizabeth Sills be thanked for her submission and confirm Council is currently prioritising footpath works in accordance with the Pedestrian Access and Mobility Plan;**
 - 4.2 Pete2020 be thanked for their submission and confirm that consideration of the Regent Theatre remains in Matters in Progress following Councils resolution 87/20 of Ordinary Meeting 18 March 2020;**
 - 4.3 Giselle Denley be thanked for her submission and Council confirms that the indoor pool project continues to be investigated;**
 - 4.4 Jackie Ohare be thanked for her submission and Council confirms that the indoor pool project continues to be investigated;**
 - 4.5 Narelle Quinn be thanked for her submission and Council confirms that the indoor pool project continues to be investigated;**
 - 4.6 Renae van Tonder be thanked for her submission and decline the submission to replace Piambong Creek Bridge;**
 - 4.7 Bob Lamond be thanked for his submission and confirm that consideration of the Regent Theatre remains in Matters in Progress following Councils**



Mayor



General Manager

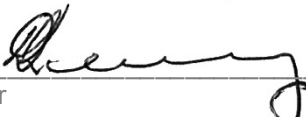
resolution 87/20 of Ordinary Meeting 18 March 2020;

- 4.8 Rebecca be thanked for her submission and Council confirms that the indoor pool project continues to be investigated;**
- 4.9 12 Mile Road resident be thanked for their submission and decline the submission to replace Piambong Creek Bridge and road works on 12 Mile Road;**
- 4.10 John Wood be thanked for his submissions and decline the requests below:**
 - 4.10.1 request for heavy vehicle bypass;**
 - 4.10.2 request for Mudgee Airport alternate location and noise study;**
 - 4.10.3 request to extend riparian rehabilitation program to private landholders;**
 - 4.10.4 request to extend shared cycleways along the Cudgegong River;**
 - 4.10.5 request to approach State Government for a NSW National bike race starting in Mudgee;**
- 4.11 Mudgee Aero Club be thanked for their submission and place on public exhibition for 28 days a revised fee for Mudgee Airport Landing Fees - Mudgee Aero Club:**
 - 4.11.1 Annual Fee \$715 – for up to five General Aviation Aircraft**
- 5. amend the draft Operational Plan to include the recent amended valuations received from the valuer general in the rate model, under option 2;**
- 6. re-exhibit the draft Operational Plan with the above incorporated changes for a further 28 days; and**
- 7. bring a report back to Council in June 2020.**


The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.4 to item 9.8) were adopted as a whole, being moved by Cr O'Neill, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at resolution No. 159/20 and concluding at resolution No. 163/20.

9.4 QUARTERLY BUDGET REVIEW STATEMENT MARCH 2020



Mayor



General Manager

GOV400087, FIN200301

159/20 MOTION: O'Neill / Holden**That Council:**

1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement March 2020;
2. amend the 2019/20 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and
3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.

The motion was carried with the Councillors voting unanimously.

9.5 NAMING OF NEW STREETS IN A SUBDIVISION OFF
GEORGE CAMPBELL DRIVE, EURUNDEREE

GOV400087, R0790041 P23468

160/20 MOTION: O'Neill / Holden**That Council:**

1. receive the report by the Property Support Officer on the naming of new streets in a subdivision off George Campbell Drive, Eurunderree;
2. formally approve the names of Bilirr Close, Wirrang Close, Gudhamang Close and Murrung Close for these new streets.

The motion was carried with the Councillors voting unanimously.

9.6 NAMING OF NEW STREETS IN A SUBDIVISION OFF
SALEYARDS LANE, MUDGEES

GOV400087, R079141 P23701

161/20 MOTION: O'Neill / Holden**That Council:**

1. receive the report by the Property Support Officer on the naming of new streets in a subdivision off Saleyards Lane, Mudgee; and

- 2. **formally approve the names of Marskell Circuit and Croake Way for these new streets.**

The motion was carried with the Councillors voting unanimously.

9.7 NAMING OF A PARK IN RYLSTONE

GOV400087, PAR300020 P22086

162/20 MOTION: O'Neill / Holden

That Council:

- 1. **receive the report by the Property Support Officer on the naming of a park in Rylstone;**
- 2. **support the name of Bill Staff Park.**

The motion was carried with the Councillors voting unanimously.

9.8 MONTHLY BUDGET REVIEW - APRIL 2020

GOV400087, FIN300201

163/20 MOTION: O'Neill / Holden

That Council receive the report by the Manager Financial Planning on the Monthly Budget Review - April 2020

The motion was carried with the Councillors voting unanimously.

9.9 COMMUNITY GRANTS PROGRAM - MAY 2020

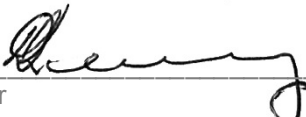
GOV400087, FIN300159

164/20 MOTION: Kennedy / Cavalier


That Council:

- 1. **receive the report by the Manager Financial Planning on the Community Grants Program - May 2020;**
- 2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and**

Cudgegong Valley Pioneer Vehicle Club Inc	\$1,469
Mudgee CAN Assist	\$1,000
Kandos Museum	\$2,000



 Mayor



 General Manager

3. amend the 2019/20 budget to increase financial assistance by \$3,000 funded from unrestricted cash;
4. amend the Community Grants Program Policy to include an additional category titled Disability Representative Grants as follows:
 - 4.1 Disability representative grants are open to:
 - persons that meet the definition of being disabled as per the Disability Discrimination Act 1992; and
 - are selected to represent at any state level or above, competition or event, including but not limited to sporting, academic or the arts.

This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria; and
5. provide financial assistance to Jarrod Emeny for the amount of \$1,000.

The motion was carried with the Councillors voting unanimously.

9.10 PERPETUAL LEASE - APPLICATION TO PURCHASE

GOV400087, P0440711

165/20

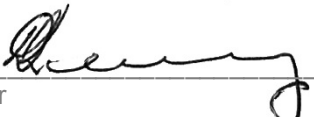
MOTION: Martens / Cavalier

That Council:


1. receive the report by the Property Officer on the Perpetual Lease - Application to Purchase;
2. submit an application to the Department of Planning, Industry & Environment – Crown Lands to purchase Crown leasehold land identified as 46 White Street Gulgong, being Lot 13 Section 27 DP758482; and
3. if approved for purchase, submit a further report to Council for review of the purchase price and all associated costs once confirmed by Crown Lands.

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 9.11 to item 10.1) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at resolution No. 166/20 and concluding at resolution No. 169/20.



Mayor



General Manager

9.11 INTERIM COVID-19 LOCAL PREFERENCE POLICY

GOV400087, GOV40047

166/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Procurement Manager on the Interim COVID-19 Local Preference Policy;
2. approve the Interim Local Preference Policy amended requirements;
3. endorse the Interim Local Preference Policy until 31 December 2020, at which time the current Local Preference Policy will automatically reinstate;
4. delegate to the General Manager the authority to review and extend the interim policy from 31 December 2020 to 30 June 2021, should the economic impact of COVID-19 still be present within the LGA; and
5. place the interim Policy on public exhibition for a reduced amount of 14 days in order to implement the change in a timely manner, if no submissions are received, accept the Interim COVID-19 Local Preference Policy.

The motion was carried with the Councillors voting unanimously.

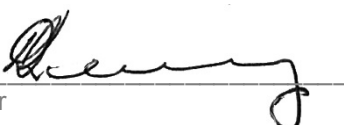
9.12 INTERIM COVID-19 FINANCIAL ASSISTANCE POLICY


GOV400087, PUB600025

167/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Chief Financial Officer on the Interim COVID-19 Financial Assistance Policy;
2. endorse the Interim COVID-19 Financial Assistance Policy;
3. allow this Program to be opened for application, simultaneously to the Policy being placed on Public Exhibition for 14 days;
4. request a report be brought back to Council in June to approve financial assistance under the Local Business Booster Program; and
5. note the Rating Deferral application process opened on the 7 May 2020, allowing rate payers to defer payment of their



Mayor

General Manager

4th quarter instalment for 2019/20 and 1st quarter instalment of 2020/21 to 30 September 2020.

6. provide rent relief as a result of the COVID-19 pandemic to Council's commercial property tenants at 39 Saleyards Lane, Mudgee 2850;
7. amend the 2019/20 budget to reduce rental income by \$3,500 to be funded from unrestricted cash; and
8. authorise the General Manager to sign any relevant documentation and send letters to tenants/operators in order to facilitate the provision of rent relief.

The motion was carried with the Councillors voting unanimously.

9.13 BUSHFIRE RECOVERY FINANCIAL UPDATE

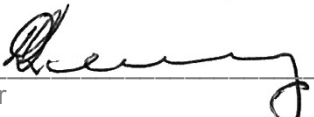
GOV400087, FINXXX

168/20


MOTION: Shelley/ Cavalier

That Council:

1. receive the report by the Chief Financial Officer and Senior Works Engineer on the Bushfire Recovery Financial Update;
2. note the progress on the recovery and clean-up of the 2019/20 bushfire damage, particularly the clean-up of unsafe roadside vegetation;
3. note that Council is accessing Natural Disaster funding for the restoration works, and that approval for the funding claim is yet to be finalised;
4. amend the 2019/20 budget as follows:
 - 4.1 increase S44 Kerry's Ridge by \$90,000, funded from S44 bushfire reimbursements;
 - 4.2 increase S44 Upper Turon Road by \$60,000, funded from S44 bushfire reimbursements;
 - 4.3 increase Natural Disaster Kerry's Ridge Fire by \$1,570,000, with \$134,000 funded from unrestricted cash and \$1,437,000 funded from Natural Disaster funding;
 - 4.4 increase Natural Disaster Upper Turon Fire by \$555,000, funded from Natural Disaster funding;



Mayor



General Manager

5. note that the Tree Services contract expired on the 31 March 2020, and that works continue to be required to make safe trees damaged by fire;
6. approve exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for Tree Services work, for the completion of works in response to the 2019/20 bushfires; and
7. note that the reason for exemption for tender is that:
 - 7.1 works are required at a value above the tender threshold, in a timely manner due to unsafe and damaged trees on roadside and on properties, that cause a risk to the public;
 - 7.2 Council has utilised all local tree service providers capable of doing the required work, so the market has been tested and is currently exhausted;

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

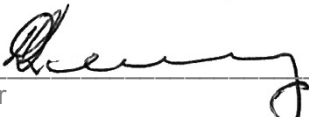
10.1 ULAN-WOLLAR RD REALIGNMENT ADDITIONAL WORKS
GOV400087, ROA100367

169/20 MOTION: Shelley/ Cavalier


That Council:

1. receive the report by the Manager Works on the Ulan-Wollar Rd Realignment Additional Works;
2. in accordance with Clause 67 of the Local Government Act, approve the variation to the contract for private works with Wilpinjong Coal to include final trim, sealing and asphaltting of an access road, car park and fuel delivery bay at Wilpinjong Coal; and
3. amend the 19/20 Budget to include a budget for Wilpinjong Car Park of \$163,400 to be funded from private works revenue.

The motion was carried with the Councillors voting unanimously.



Mayor



General Manager

Item 11: Community

11.1 RFT 2020/13 RENOVATION AND CONSTRUCTION OF ART GALLERY AND TOURISM INFORMATION CENTRE
GOV400087, COR400310

170/20 MOTION: Paine / Shelley

That Council:

1. receive the report by the Project Manager Building Construction on the RFT 2020/13 Renovation and Construction of Art Gallery and Tourism Information Centre;
2. note the details provided in the Confidential Attachment regarding the cost of the project;
3. amend the 2020/2021 Operational Plan to include an additional \$2.5 million for the Art Gallery to be funded from the Capital Reserve;
4. accept the tender submission from Hutchinsons Builders for the Renovation and Construction of an Art Gallery and Tourism Information Centre RFT 2020/13 in accordance with clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$6,422,812.73 excluding GST;
5. authorise the General Manager to finalise and execute the contract on behalf of Council with Hutchinsons Builders for the Renovation and Construction of an Art Gallery and Tourism Information Centre RFT 2020/13;
6. grant delegation to the General Manager to approve variations to the contract sum for a cumulative total of up to 10% of the original contract sum; and
7. notify other tenderers that their tenders were unsuccessful.

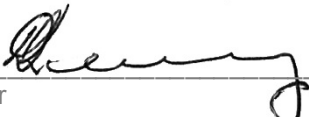
The motion was carried with the Councillors voting unanimously.


AMENDMENT: Martens / Thompson

That Council defer calling for tenders for the Renovation and Construction of the Art Gallery and Tourism Information Centre until the COVID-19 pandemic is over.

The amendment was put and lost with Councillors voting as follows:

Councillors	Ayes	Nays
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Mayor


General Manager

Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill		✓
Cr Shelley		✓
Cr Thompson	✓	

FORESHADOWED AMENDMENT: Holden / Karavas

That Council defer any decision on the Renovation and Construction of the Art Gallery and Tourism Information Centre until Council secures an additional 50% grant funding for the additional amount required for the project.

The foreshadowed amendment was put and lost with Councillors voting as follows:

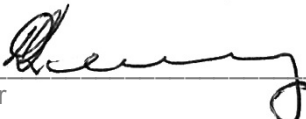
Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Paine		✓
Cr Cavalier		✓
Cr Holden	✓	
Cr Karavas	✓	
Cr Martens	✓	
Cr O'Neill		✓
Cr Shelley		✓
Cr Thompson	✓	


The motion, on being put, was carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Paine	✓	
Cr Cavalier	✓	
Cr Holden	✓	
Cr Karavas		✓
Cr Martens		✓
Cr O'Neill	✓	
Cr Shelley	✓	
Cr Thompson		✓

The following recommendations (item 11.2 to item 11.7) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at resolution No. 171/20 and concluding at resolution No. 176/20.

11.2 RFT 2020/14 CONSTRUCTION OF GLEN WILLOW RUGBY


Mayor


General Manager

UNION CLUBHOUSE, CANTEEN AND CHANGE ROOMS

GOV400087, COR400302

171/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Project Manager Building Construction on the RFT 2020/14 Construction of Glen Willow Rugby Union Clubhouse, Canteen and Change Rooms;
2. accept the tender submission from Renascent Regional Pty Ltd for the Construction of the Glen Willow Clubhouse, Canteen and Change Rooms in accordance with clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$2,586,259.00 excluding GST;
3. authorise the General Manager to finalise and execute the contract on behalf of Council with Renascent Regional Pty Ltd for the Construction of the Glen willow Clubhouse, Canteen and Change Rooms RFT 2020/14;
4. grant delegation to the General Manager to approve variations to the contract sum up to a cumulative total of 10% of the original contract sum; and
5. notify other tenderers that their tenders were unsuccessful.

The motion was carried with the Councillors voting unanimously.

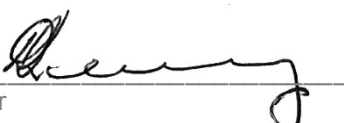
11.3 RFT 2020/15 CONSTRUCTION OF GLEN WILLOW STAGE 2
PLAYING FIELDS


GOV400087, COR400303

172/20

MOTION: Shelley/ Cavalier**That Council:**

1. receive the report by the Manager Building Construction on the RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields;
2. note the information provided in the attached confidential report regarding RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields;
3. decline to accept any of the tenders with respect to RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields, in accordance with Clause 178(1)(b) of Local



Mayor

General Manager

Government (General) Regulations 2005;

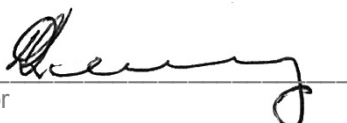
4. **authorise the General Manager to enter into negotiations with Evergreen Turf in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005;**
5. **note that the reason Council should enter into negotiations is that all tender responses were substantially outside of the allocated budget or were not able to demonstrate the required experience and capability;**
6. **decline to call fresh tenders at this stage assuming a satisfactory outcome can be negotiated;**
7. **note that the reason for declining to call fresh tenders for the works is that the market has already been tested through a competitive tender process and that the timeframe to install the playing surfaces during the spring planting window is limited;**
8. **delegate authority to the General Manager to accept a negotiated contract value aligning with the allocated budget**
9. **approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, if required, for separate components of the project, specifically supply of materials, irrigation works and earthworks, should Council proceed to self manage the construction of the Glen Willow Stage 2 playing fields;**
10. **approve procurement of the supply of materials, irrigation works and earthworks for the construction of Glen Willow Stage 2 playing fields through a competitive request for quote process;**
11. **note the reason for exemption is that the market has already been tested through a competitive tender process and that the timeframe to install the playing surfaces during the spring planting window is limited and that fresh tender processes are not expected to add value to the procurement process; and**
12. **notify all tenderers of the outcome.**

The motion was carried with the Councillors voting unanimously.

11.4 NSW GOVERNMENT SHOWGROUND STIMULUS FUNDING
GOV400087, GRA600041, F0650007

173/20

MOTION: Shelley/ Cavalier



That Council:

1. receive the report by the Director Community on the NSW Government Showground Stimulus Funding;
2. amend the 2020/21 Budget and draft Operational Plan 2020/21 as follows:
 - Mudgee Showground Infrastructure Upgrade (Bridge Club Kitchen Facility Upgrade and Two Bay Accessible Carpark and Pathways - allocate \$139,000, with \$131,000 funded from grants and \$8,000 funded from Capital Reserve;
3. if successful with the NSW Government Showground Stimulus funding application, accept the grant funding of \$131,000 and authorise the Mayor or General Manager to finalise and sign the funding agreement with NSW Government.

The motion was carried with the Councillors voting unanimously.

11.5 COMMUNITY SERVICES QUARTERLY UPDATE - JANUARY
TO MARCH 2020

GOV400087, COS.300015

174/20

MOTION: Shelley/ Cavalier

That Council:

1. receive the report by the Manager, Community Services on the Community Services Quarterly Update - January to March 2020;
2. note the recent services provided and activities coordinated by Council's Community Services Department.

The motion was carried with the Councillors voting unanimously.

11.6 AGENCY INFORMATION GUIDE POST EXHIBITION

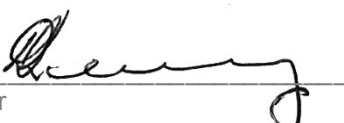
GOV400087, GOV400087, GOV400066, A0220040

175/20


MOTION: Shelley/ Cavalier

That Council:

1. receive the report by the Manager Governance on the Agency Information Guide Post exhibition ;
2. note the Information & Privacy Commission



Mayor



General Manager

- acknowledgement of the Access to Information Policy and Agency Information Guide review being completed; and
3. adopt the Access to Information Policy and the Agency Information Guide.

The motion was carried with the Councillors voting unanimously.

11.7 REGENT THEATRE

GOV400087, P0020011

176/20 MOTION: Shelley/ Cavalier

That Council:

1. receive the report by the Director Community on the Regent Theatre; and
2. note that the Regent Theatre is no longer available for sale.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

Nil

Item 14: Confidential Session

177/20 MOTION: Shelley/ Cavalier

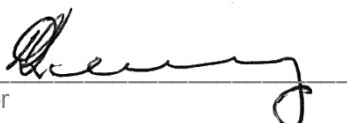
That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

The motion was carried with the Councillors voting unanimously.

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

14.1 Commercial Property Opportunity

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.



Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity for Council to consider.

Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 COMMERCIAL PROPERTY OPPORTUNITY

GOV400087, P0309411

178/20

MOTION: Holden / Paine

That Council:

1. receive the report by the General Manager on the Commercial Property Opportunity;
2. authorise the General Manager to negotiate the terms for purchase of the property detailed in the report;
3. amend the 2019/20 Budget to allocate \$5,000 to obtain a valuation on the property, to be funded from the Land Development Reserve; and
4. consider a further report to Council from the General Manager.

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

179/20

MOTION: Shelley / Cavalier

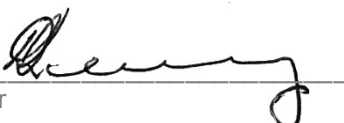
That Council move to Open Council.


The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 6.21pm.


Mayor


General Manager